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JAN 20 2016

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN LOUIS BAIO,

Civ. No. 16-0290

Appellant,

V.

**COMMISSIONER OF SOCIAL
SECURITY,**

Appellee.

**MEMORANDUM
ORDER**

THOMPSON, U.S.D.J.

This matter comes before the Court upon the application of *pro se* Appellant John Louis Baio to proceed *in forma pauperis* in an appeal of the final decision of the Commissioner of Social Security. The filing fee for a civil case in the United States District of New Jersey is \$350.00, with an additional \$50.00 administrative fee. To avoid paying these fees, a litigant may submit an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. “In making such application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty.” *Simon v. Mercer Cnty. Comm. College*, No. 10-5505, 2011 WL 551196, at *1 (D.N.J. Feb. 9, 2011) (citations omitted). A litigant need not be “absolutely destitute” to qualify. *Mack v. Curran*, 457 F. App’x 141, 144 (3d Cir. 2012) (citations omitted); *Still v. Shinseki*, 490 F. App’x 413, 413 (3d Cir. 2012).

It appears from the application that Appellant has only \$600 in assets and receives a total of \$1,470 each month from Social Security and unemployment benefits. However, Appellant's fixed expenditures essentially equal this income. Therefore, upon review, Appellant has shown sufficient economic disadvantage to proceed *in forma pauperis*.

IT IS on this 20th day of January, 2016,

ORDERED that Appellant's Application to Proceed *in forma pauperis* (ECF No. 1-2) is GRANTED; and the Clerk of Court shall file the Complaint without prepayment of fees.


ANNE E. THOMPSON, U.S.D.J.